

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. No. 05-10488-MLW

TIMOTHY HILLS
Plaintiff

v.

TOWN OF STOUGHTON, DAVID
M. COHEN, INDIVIDUALLY AND
MANUEL CACHOPA,
INDIVIDUALLY
Defendants

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**DEFENDANTS TOWN OF STOUGHTON AND MANUEL CACHOPA'S
JOINT MOTION FOR A PROTECTIVE ORDER**

Now come the Defendants Town of Stoughton and Manuel Cachopa and hereby request that this Honorable Court issue a Protective Order in order to prohibit the Defendants from responding to Plaintiff's Interrogatories and Requests for Production of Documents until the conclusion of the collateral criminal case pending in Norfolk Superior Court.

In support of said Motion, the Defendants respectfully submit that to answer the interrogatories while the criminal matter is pending would violate the Fifth Amendment Rights of Manuel Cachopa and the answers of the Town of Stoughton could have a negative impact on the criminal matter and prejudice the position of Manuel Cachopa.

The Defendants respectfully submit that Motions to Dismiss have been filed and are scheduled to be argued on May 22, 2006 in the Criminal Motion Session sitting in Norfolk and it is believed that a decision by the Motion Judge should be rendered within a 45-day period.

DEFENDANTS
TOWN OF STOUGHTON
AND MANUEL CACHOPA
By their Attorneys,

WYNN & WYNN, P.C.

/s/Charles D. Mulcahy
Charles D. Mulcahy
90 New State Highway
Raynham, MA 02767
(508) 823-4567
BBO #359360

July 6, 2006

CERTIFICATE OF SERVICE

I hereby certify that the above document will be served by first-class mail upon any party or counsel of record who is not a registered participant of the Court's ECF system, upon notification by the Court of those individuals who will not be served electronically.

/s/Charles D. Mulcahy
Charles D. Mulcahy, Esquire

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AFFIDAVIT OF CHARLES D. MULCAHY

I, Charles D. Mulcahy, do under oath depose and swear:

1. That I have been engaged to represent the interests of the Town of Stoughton and Manuel Cachopa, Individually and as the former Chief of Police of the Town of Stoughton in the captioned matter;
2. That I have informed Attorney Daniel O'Malley, counsel for Manuel Cachopa, that discovery has been promulgated and it is my understanding that he wishes to have the discovery stayed until the conclusion of the criminal matter;
3. That it is also my understanding that Attorney O'Malley would insist that all answers would include the phrase "the Defendant respectfully refuses to answer this question as it may violate his Fifth Amendment rights to be silent".

Signed under the pains and penalties of perjury this 6th day of July, 2006.

/s/Charles D. Mulcahy

Charles D. Mulcahy